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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,554	06/14/2000	STUART A. FRASER	CF/006	7904
1473	7590	12/19/2003	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			AKERS, GEOFFREY R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/593504

Applicant(s)

Krazer

Examiner

Akou, g

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/27/03
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3624

## DETAILED ACTION

### *Response to Request for Reconsideration*

1. This action is issued in reply to applicant's Request for Recopnsideration(Papaer #6) filed 10/27/03.
2. No claims were added, none were deleted, none were canceled.
3. Claims 1-46 are pending.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-46 are rejected under 35 USC 103(a) as unpatentable over Stallaert(US Pat. No: 6,035,287) in view of Reuters.com(1996) and further in view of Bowers(Successful Investing with Fidelity Funds)(1997) and further in view of NQLX.

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6. As per claims 1-46 Stallaert teaches bundled trading in securities which could be identical to make block trades(Abstract)(Fig 1-13)(col 2 line 36-col 3 line 28) as well as making different types of trades(Fig 1101/102/103/104)(Fig 5) and a market value(Fig 2/205) and cancellations(Fig 9A/906)(Fig 11) and calculation of volumes and prices(Fig 10/1003) and

Art Unit: 3624

maintaining a limit order list over time (Fig 7/710). Stallaert teaches engaging market participants in bundled trading (Fig 9B/910/914) as well as an optimization process which may serve economies of scale (Fig 10/1001) (col 16 line 29-col 17 line 49) and identifying matched orders under this constraint (Fig 10/1002) and calculating transaction volumes and prices for matched trades (Fig 10/1004). Stallaert also teaches forming set of allocation ratios to minimize costs (Fig 13). Reuters teaches electronic block trading in securities (page 1) and global access (page 12) and institutional order entry (page 3) and primary dealers in securities for exclusive opportunities in trading (page 4) and linked markets (page 1) (page 2) (page 4). Bowers teaches economies of scale of block trading (page 5) and reducing transaction costs (page 5) and reduced spreads (page 5). NQLX teaches incentives to traders for block trading efforts (Page 2-A). NQLX offers market makers the right to participate in a percentage (10%) of the responding side of a block trade as an incentive (Page 2-A). It would have been obvious to one skilled in the art at the time of the invention to combine Stallaert in view of Reuters to teach part of the above. The motivation is to teach electronic block trading as enunciated by Reuters (page 1). It would also have been obvious to one skilled in the art at the time of the invention to combine Stallaert in view of Reuters and further in view of Bowers to teach part of applicant's invention. The motivation is to teach electronic block online trading which possesses economies of scale and saves transaction costs as enunciated by Bowers (page 5). Finally, It would have been obvious to one skilled in the art at the time of the invention to combine Stallaert in view of Reuters in view of Bowers and further in view of NQLX to teach applicant's disclosure. The motivation is to

Art Unit: 3624

teach electronic block online trading which possess economies of scale through incentivising the market makers as enunciated by NQLX(Page 2-A).

***Claim Rejections - 35 USC § 112***

7. Independent claims 1,16,35,40 are rejected under 35 U.S.C. 112, first paragraph, because the specification, does not reasonably provide enablement for the independent claims. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to the invention commensurate in scope with these claims. The mechanisms for qualification must be defined in the independent claims as to how and in what manner the trader may qualify for a discount as to thresholding methods. Independent claims 1,16,35,40 hereby fail to define such enablement for the invention.

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***Conclusion***

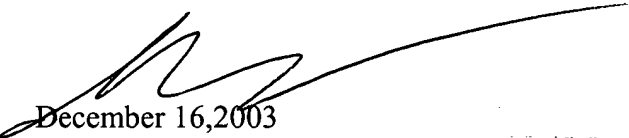
8. **THIS ACTION IS MADE NON-FINAL.**

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9. Questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

Art Unit: 3624

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



December 16, 2003

**DR. GEOFFREY R. AKERS, P.E.**  
**PRIMARY EXAMINER**